

REMARKS

By this Reply, claims 1, 3, 12, 14, and 68-73 have been amended simply to clarify the references to the claimed surfaces. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 1, 3, 12, 14, and 68-73. No new matter has been introduced. Accordingly, claims 1-5, 7-16, 18-25, and 66-73 remain pending in this application, with claims 7-11 and 18-22 having been withdrawn. Claims 1 and 12 are the sole independent claims.

On page 2 of the Office Action, claims 1-5, 12-16, 23-25, and 66-73 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,964,662 to Kidooka ("Kidooka"). Applicants respectfully traverse the rejection.

Kidooka does not disclose the claimed invention. For example, independent claim 1 recites a clevis assembly for a medical instrument comprising, among other aspects, "wherein the deformed portion lies on a second outer surface of another of the plurality of arms, and wherein the second outer surface is not a surface facing a hole or a U-shaped groove to receive the axle, the hole or U-shaped groove being defined by the another of the plurality of arms." Independent claim 12 recites a medical instrument including the same aspects. Kidooka does not disclose at least these aspects of the claimed invention in combination with the other aspects of each of respective claims 1 and 12.

Page 2 of the Office Action refers to Figs. 9-10 of Kidooka for its alleged disclosure of various elements of the claimed invention. The Office Action asserts that pin 200a corresponds to the claimed "axle," head 204 corresponds to the claimed "flared portion," and tip portion 206 corresponds to the claimed "deformed portion."

Even assuming this is correct, no portion of tip portion 206 lies on a surface that is “not a surface facing a hole or a U-shaped groove to receive the axle.” Tip portion 206, as disclosed in Kidooka, may at most engage the surface of bore 186 of second arm 122b. See Col. 6, lines 29-31 of Kidooka. That surface is the very surface facing the bore that receives the axle, completely opposite to the claimed invention. Specifically, in Kidooka, if head 204 of pin 200a resides within bore 180 associated with arm 122a, tip portion 206 resides within bore 186 associated with arm 122b, as outlined in Fig. 8. Indeed, no portion of the alleged deformed portion of pin 200a, as shown in Fig. 9, lies on a second outer surface of arms 122a, 122b, “wherein the second outer surface is not a surface facing a hole or a U-shaped groove to receive the axle” as recited in claims 1 and 12.

Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the Section 102(e) rejection based on Kidooka.

Applicants further submit that claims 2-5, and 13-26, 23-25, and 66-73 depend either directly or indirectly from one of independent claims 1 and 12, and are therefore allowable for at least the same reasons that each of the corresponding independent claim is allowable. In addition, each of the dependent claims recite unique combinations that are not taught or disclosed by Kidooka.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims. Should either of independent claims 1 or 12 be allowed, Applicants respectfully request

rejoinder of dependent claims 7-11 and 18-22 in accordance with the provisions of M.P.E.P. § 821.04.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification and claims in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

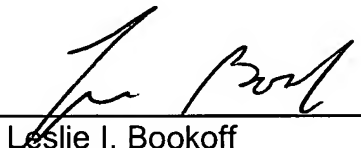
If there is any fee due in connection with the filing of this Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 14, 2008

By: _____


Leslie I. Bookoff
Reg. No. 38,084